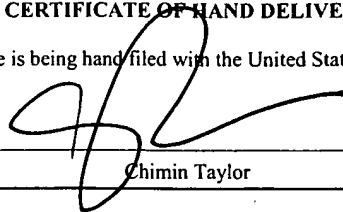


1745
PATENT
Docket No. 337842011000

CERTIFICATE OF HAND DELIVERY

I hereby certify that this correspondence is being hand filed with the United States Patent and Trademark Office in Alexandria, Virginia on January 24, 2005.


Chimin Taylor

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:
William H. KUMP et al.

Application No.: 09/705,566

Filed: November 3, 2000

Art Unit: 1745

For: SCREW-IN VENTPLUG FOR LEAD-ACID
BATTERIES

Examiner: A. J. Martin

RECEIVED
FEB 04 2005
TC 1700

PETITION FOR ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicants respectfully request that action be taken on the Petition to Rescind Notice of Abandonment filed on December 4, 2003, in the above-referenced application.

Applicants also filed a Status Inquiry on September 24, 2004, requesting communication from the Patent Office to the advise the Applicants of the status of the Petition to Rescind Notice of Abandonment. No response was received from the Patent Office which prompted a telephone call to the Petitions Office. Applicants then learned that the Petition was never matched with the file and therefore, never received by the Petitions Office.

Copies of the date-stamped postcards and the Petition to Rescind Notice of Abandonment and Status Inquiry filed are attached herewith.

Applicants respectfully request that the Notice of Abandonment mailed November 18, 2003, be withdrawn and this application be passed to Issue.

Applicants have paid the fees relating to the Petition to Revive as well as the Issue Fee, therefore, it is believed that no fee is due. However, in the event that the transmittal letter is separated from this document and the Patent & Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952**, referencing **337842011000**.

Respectfully submitted,

Dated: January 24, 2005

By: 

Wayne S. Jaeschke, Jr.
Registration No. 38,503

Morrison & Foerster LLP
1650 Tysons Blvd., Suite 300
McLean, Virginia 22102
Telephone: (703) 760-7756
Facsimile: (703) 760-7777

RECEIVED
FEB 04 2005
TC 1700



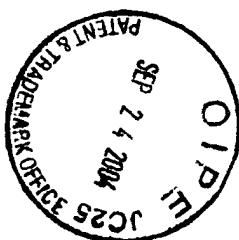
Inventor: William H. KUMP et al.

Atty Docket No.: 337842011000

Application No.: 09/705,566
Title: SCREW-IN VENTPLUG FOR LEAD-ACID BATTERIES

Filing Date: November 3, 2000

Documents Filed:
Status Inquiry (1 page)



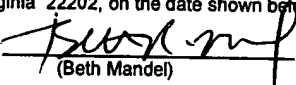
Via: Hand Delivery

Sender's Initials: WCJ/bm2

Date: September 24, 2004

va-79946

I hereby certify that this correspondence is being hand delivered to: Customer Window, U.S. Patent and Trademark Office, 220 20th Street S., Crystal Plaza Two, Lobby, Room 1B03, Arlington, Virginia 22202, on the date shown below.

Dated: September 24, 2004 Signature: 

(Beth Mandel)

Docket No.: 337842011000
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:
William H. KUMP et al.

Application No.: 09/705,566

Filed: November 3, 2000

Art Unit: 1745

For: SCREW-IN VENTPLUG FOR LEAD-ACID
BATTERIES

Examiner: A. J. Martin

STATUS INQUIRY

Customer Window
U.S. Patent and Trademark Office
220 20th Street S.
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

RECEIVED
FEB 04 2005
TC 1700

Dear Sir:

It is respectfully requested that the attorney named below be advised of the status of the above-identified application. Applicants filed a Petition to Rescind Notice of Abandonment on December 4, 2003. Applicants have not received any communication from the Patent Office since that time. Please advise us of when we might expect to receive an Action from the Patent and Trademark Office.

Dated: September 24, 2004

Respectfully submitted,

By 

Wayne C. Jaeschke, Jr.

Registration No.: 38,503

MORRISON & FOERSTER LLP

1650 Tysons Blvd, Suite 300

McLean, Virginia 22102

(703) 760-7756



ATTORNEY DOCKET: 337842011000

DATE: December 4, 2003

INVENTOR(S): William H. KUMP et al.

Atty/Secy WCJ/jfm

APPLICATION NO. 09/705,566

FILED: November 3, 2000

TITLE: SCREW-IN VENT PLUG FOR LEAD-ACID BATTERIES

Papers enclosed:

1. Petition to Rescind Notice of Abandonment
2. Copy of Notice of Abandonment 11/18/2003
3. Copy of Notice to Rescind Abandonment
4. Copy of Petition to Revive w/ Fee Transmittal, Issue Fee Transmittal and Notice of Abandonment w/ Postcards



DOCKETED

RECEIVED BY THE UNITED STATES PATENT AND TRADEMARK OFFICE

va-14305

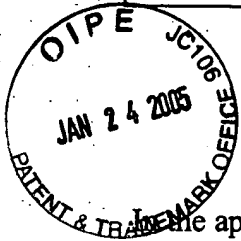
RECEIVED
FEB 04 2005
TC 1700

CERTIFICATE OF HAND DELIVERY

I hereby certify that this correspondence is being hand filed with the United States Patent and Trademark Office in Washington, D.C. on
December 4, 2003.


Jeffery McCuller

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In the application of:

William H. KUMP et al.

Serial No.: 09/705,566

Filing Date: November 3, 2000

For: SCREW-IN VENT PLUG FOR LEAD-
ACID BATTERIES

Examiner: A. Martin

Art Unit: 1745

RECEIVED
FEB 04 2005
TC 1700

PETITION TO RESCIND NOTICE OF ABANDONMENT

U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice to Rescind Abandonment, mailed on October 15, 2003, and new Notice of Abandonment mailed November 18, 2003, Applicants request that the new Notice of Abandonment mailed November 18, 2003 also be rescinded. A copy of the Issue Fee Transmittal, Petition to Revive and both Notices of Abandonment are enclosed for the convenience of the Office.

This application became abandoned for applicants' alleged failure to pay the Issue Fee to which the Notice of Abandonment mailed November 18, 2003 refers.

Applicants' have timely paid the Issue Fee and respectfully request that this application be passed to Issue. The enclosed documents show that the Issue Fee has been timely paid and accepted by the Office.

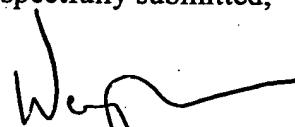
For the reasons stated herein, applicants respectfully request that Notice of Abandonment mailed November 18, 2003, also be withdrawn and this application be passed to Issue.

In the event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **337842011000**.

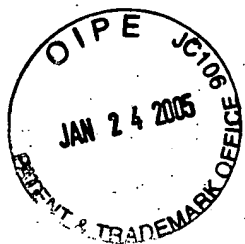
Respectfully submitted,

Dated: December ~~4~~, 2003

By:


Wayne C. Jaeschke, Jr.
Reg. No. 38,503

Morrison & Foerster LLP
1650 Tysons Boulevard, Suite 300
McLean, Virginia 22102
Telephone: 703-760-7756
Facsimile: 703-760-7777



RECEIVED
FEB 04 2005
TC 1700

Attorney Docket No.: 337842011000

Atty/Secy WCJ/jfm

In the application of:

Date: April 3, 2003

Steven R. Peterson et al.

Serial No.: 09/705,566

Filing Date: November 3, 2000

For: SCREW-IN VENT PLUG FOR LEAD-ACID BATTERIES

Papers enclosed herewith:

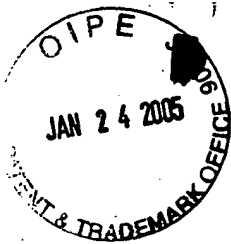
1. Issue fee transmittal in duplicate

RECEIVED BY THE UNITED STATES PATENT AND TRADEMARK OFFICE



DOCKETED

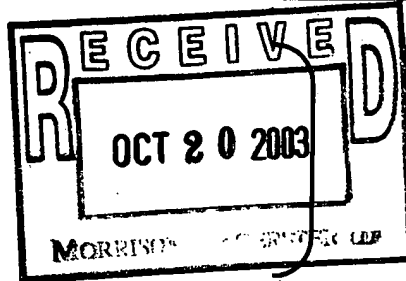




UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/705,566	11/03/00	William H. Kump	202920

ALEX CHARTOVE
MORRISON & FOERSTER LLP
1650 TYSONS BLVD.
SUITE 300
MCLEAN, VA 22102



33784-20110.00

EXAMINER	
MARTIN, ANGELA	
ART UNIT	PAPER NUMBER
1745	10

DATE MAILED: 10/15/03

DOCKETED

NOTICE OF RESCINDED ABANDONMENT

☐ In response to your communication filed _____

☒ Through inadvertence, a Notice of Abandonment was mailed in the above identified application. The Notice of Abandonment is hereby rescinded. The issue fee receipt will be mailed within six weeks.

E. C. Aetha
Manager, Publishing Division
Office of Patent Publication

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FEB 04 2005
TC 1700



UNITED STATES PATENT AND TRADEMARK OFFICE

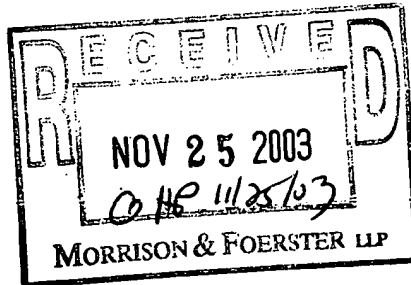
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/705,566	11/03/2000	William H. Kump	33784-20110.00	6672

7590

11/18/2003

Alex Chartove
Morrison & Foerster LLP
1650 Tysons Blvd.
Suite 300
McLean, VA 22102



EXAMINER

MARTIN, ANGELA J

ART UNIT PAPER NUMBER

1745

DATE MAILED: 11/18/2003

DOCKETED

Please find below and/or attached an Office communication concerning this application or proceeding.



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09/205,566

EXAMINER

ART UNIT	PAPER NUMBER
----------	--------------

#12

DATE MAILED:

NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper response to the Office letter mailed on _____.
- ☐ A response (with a Certificate of Mailing or Transmission of _____) was received on _____, which is after the expiration of the period for response (including a total extension of time of _____ month(s)) which expired on _____.
- ☐ A proposed response was received on _____, but it does not constitute a proper response to the final rejection.
- (A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).
- ☒ No response has been received.
- ☒ Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.
- ☐ The issue fee (with a Certificate of Mailing or Transmission of _____) was received on _____.
- ☐ The submitted issue fee of \$ _____ is insufficient. The issue fee required by 37 CFR 1.18 is \$ _____.
- ☒ The issue fee has not been received.
- ☐ Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.
- ☐ Proposed new formal drawings (with a Certificate of Mailing or Transmission of _____) were received on _____.
- ☐ The proposed new formal drawings filed _____ are not acceptable.
- ☐ No proposed new formal drawings have been received.
- ☐ The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on _____.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below:

ATTORNEY DOCKET: 337842011000

Application No.: 09/705,566

Filing Date: November 3, 2000

INVENTOR(S): William KUMP et al.

TITLE: SCREW-IN VENT-PLUG FOR LEAD-ACID BATTERY

PAPERS ENCLOSED HEREWITH:

1. Petition to Revive
2. Fee Transmittal
3. Copy of Issue Fee Transmittal
4. Copy of Postcard

July 18, 2003

Atty/Secy: BEB/jlm

RECEIVED BY THE UNITED STATES PATENT AND TRADEMARK OFFICE



RECEIVED
FEB 04 2005
TC 1700

ATTORNEY DOCKET: 337842011000

Application No.: 09/705,566

Filing Date: November 3, 2000

INVENTOR(S): William KUMP et al.

TITLE: SCREW-IN VENT-PLUG FOR LEAD-ACID BATTERY

PAPERS ENCLOSED HEREWITH:

1. Petition to Revive
2. Fee Transmittal
3. Copy of Issue Fee Transmittal
4. Copy of Postcard

July 18, 2003

Atty/Secy: BEB/jfm

RECEIVED BY THE UNITED STATES PATENT AND TRADEMARK OFFICE

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
337842011000

First named inventor: William H. KUMP

Application No: 09/705,566

Art Unit: 1745

Filed: November 3, 2000

Examiner: A. Martin

Title: Screw-In Vent-plug For Lead-Acid Battery

Attention: Office of Petitions
Box DAC
Commissioner for Patents
2011 South Clark Place
Room 1B03, Crystal Plaza 2
Arlington, Virginia, 22202NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action
by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date
of the period set for reply in the Office notice or action plus any extensions of time actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed
before June 8, 1995, and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee☐ Small entity – fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status.
See 37 CFR 1.27.☒ Other than small entity – fee \$ 1,300.00 (37 CFR 1.17(m))**2. Reply and/or fee**A. The reply and/or fee to the above-noted Office action in the form
of _____ (identify the type of reply):☐ has been filed previously on _____☐ is enclosed herewith.B. The issue fee of \$ 1,300.00☒ has been paid previously on April 3, 2003☒ And is enclosed herewith.I hereby certify that this correspondence is being hand delivered to: Commissioner for Patents, 2011 South Clark Place, Room 1B03,
Crystal Plaza 2, Arlington, Virginia, 22202, on the date shown below.

Dated: July 18, 2003

Signature: _____

(Jeff McCuller)

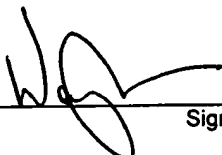
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (II)(C) and (D))].

July 17, 2003
Date


Signature

Telephone
Number: 703-760-7756

Wayne C. Jaeschke, Jr. - 38,503
Typed or printed name

MORRISON & FOERSTER LLP
1650 Tysons Blvd, Suite 300
McLean, Virginia 22102
Address

- Enclosures:
- ☒ Fee Payment
 - ☐ Reply
 - ☐ Terminal Disclaimer Form
 - ☐ Additional sheets containing statements establishing unintentional delay
 - ☒ Other: Return postcard and copy of issue fee transmittal

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL
for FY 2003**

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** 2600.00**Complete If Known**

Application Number	09/705,566
Filing Date	November 3, 2000
First Named Inventor	William H. KUMP
Examiner Name	A. Martin
Group Art Unit	1745
Attorney Docket No.	337842011000

METHOD OF PAYMENT (check all that apply)
☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None
☐ Deposit AccountDeposit
Account
Number

03-1952

Deposit
Account
Name

Morrison & Foerster LLP

The Commissioner is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$) 0.00**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
-20** =			
Independent Claims	-3** =		
Multiple Dependent			

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	1300.00
1501	1,300	2501	650	Utility issue fee (or reissue)	1300.00
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 2600.00**SUBMITTED BY**

Name (Print/Type) Wayne C. Jaeschke, Jr.

Registration No.
(Attorney/Agent)

38,503

Complete (if applicable)

Telephone (703) 760-7756

Signature

Date

July '18, 2003

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Box ISSUE FEE
Commissioner for Patents
Washington, D.C. 20231
Fax (703)746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

7590

01/03/2003

Alex Chartove
Morrison & Foerster LLP
1650 Tysons Blvd.
Suite 300
McLean, VA 22102

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above, or being facsimile transmitted to the USPTO, on the date indicated below.

Jeffery McCuller

(Depositor's name)

(Signature)

April 3, 2003

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/705,566	11/03/2000	William H. Kump	202920	6672

TITLE OF INVENTION: SCREW-IN VENT PLUG FOR LEAD-ACID BATTERIES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1300	\$0	\$1300	04/03/2003

EXAMINER	ART UNIT	CLASS-SUBCLASS
MARTIN, ANGELA J	1745	429-089000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

Morrison & Foerster LLP

2. _____

3. _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Exide Technologies

Alpharetta, GA

Please check the appropriate assignee category or categories (will not be printed on the patent) ☐ individual ☒ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

☒ Issue Fee

☐ Publication Fee

☒ Advance Order - # of Copies 6

4b. Payment of Fee(s):

☐ A check in the amount of the fee(s) is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Commissioner is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)

(Date)

Wayne C. Jaeschke, Jr. Reg. No. 38,503 04/3/2003

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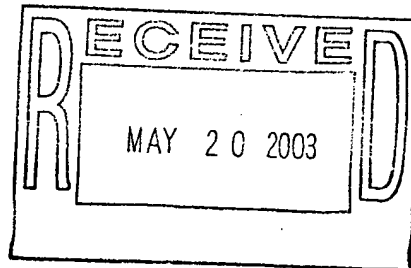
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/705,566	11/03/2000	William H. Kump	202920 33784-20110.00	6672

7590

05/14/2003

Alex Chartove
Morrison & Foerster LLP
1650 Tysons Blvd.
Suite 300
McLean, VA 22102



EXAMINER

MARTIN, ANGELA J

ART UNIT PAPER NUMBER

1745

DATE MAILED: 05/14/2003

p # 9

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED Petition to Revive
REMINDER: 6/14/03
FINAL DUE DATE: 7/14/03



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09/705,566

EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED:

NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper response to the Office letter mailed on _____.
- ☐ A response (with a Certificate of Mailing or Transmission of _____) was received on _____, which is after the expiration of the period for response (including a total extension of time of _____ month(s)) which expired on _____.
- ☐ A proposed response was received on _____, but it does not constitute a proper response to the final rejection.
- (A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).
- ☐ No response has been received.
- ☒ Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.
- ☐ The issue fee (with a Certificate of Mailing or Transmission of _____) was received on _____.
- ☐ The submitted issue fee of \$_____ is insufficient. The issue fee required by 37 CFR 1.18 is \$_____.
- ☒ The issue fee has not been received.
- ☐ Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.
- ☐ Proposed new formal drawings (with a Certificate of Mailing or Transmission of _____) were received on _____.
- ☐ The proposed new formal drawings filed _____ are not acceptable.
- ☐ No proposed new formal drawings have been received.
- ☐ The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on _____.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below:

ABANDONMENT
CONTACT PERSON IS:
TOM HAWKINS

Respond to the Notice of Abandonment by one of the following:

Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I) and 37 CFR § 1.181) No fee required

Where an applicant contends that the application is not in fact abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181, to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f).

In order for a petition to be granted, the evidence must be sufficient according to one of the following standards:

- 37 CFR § 1.8(b) Certificate of Mailing
- 37 CFR § 1.10 "Express Mail" mailing
- MPEP 503 Postcard Receipt as Prima Facie Evidence

Petition To Withdraw Holding Of Abandonment should be addressed as follows:

By mail: Commissioner For Patents and Trademarks, Box Issue Fee, Washington, DC 20231
By facsimile: 703-305-8755 or 703-305-4372

Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (See MPEP 711.03(c) II). No fee required

Where an applicant contends that the original Notice of Allowance and Issue Fee Due was never received. If adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
(Mark attention of a particular office or individual)
By facsimile: Technology Center numbers posted at <http://www.uspto.gov/september1/faxnotice.htm>

Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)

Where there is no dispute as to whether an application is abandoned (e.g. the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) unavoidable or (b) unintentionally (accompanied by the appropriate petition fee) is necessary to revive the abandoned application.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By hand: Crystal Plaza 4, Rm. 3C23, 2201 Clark Place, Arlington, VA
By facsimile: 703-308-6916

Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a) and Unintentionally Under 37 CFR 1.137(b), forms available at USPTO website – <http://www.uspto.gov>

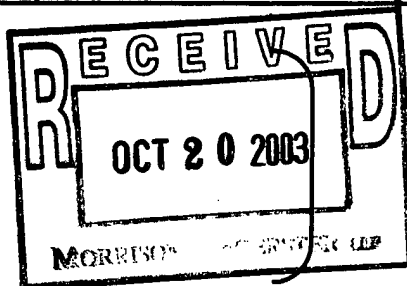
Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment.



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
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Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/705,566	11/03/00	William H. Kump	202920

ALEX CHARTOVE
MORRISON & FOERSTER LLP
1650 TYSONS BLVD.
SUITE 300
MCLEAN, VA 22102



33784-20110.00

EXAMINER	
MARTIN, ANGELA	
ART UNIT	PAPER NUMBER
1745	10

DATE MAILED: 10/15/03

DOCKETED

NOTICE OF RESCINDED ABANDONMENT

- ☐ In response to your communication filed _____
- ☒ Through inadvertence, a Notice of Abandonment was mailed in the above identified application. The Notice of Abandonment is hereby rescinded. The issue fee receipt will be mailed within six weeks.

For C. P. H. L.
Manager, Publishing Division
Office of Patent Publication